

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTERS)	
PRODUCTS LIABILITY LITIGATION)	MDL Case No.: 2:15-MD-02641-DGC
_____)	
)	Individual Case No.: 2:18-CV-02082-PHX-DGC
This Filing Relates to:)	
JOHN MAXWELL, Plaintiff)	NOTICE OF LIEN
)	
)	
)	

COME NOW, Century Asphalt Co. and American Family Insurance, pursuant to Iowa Code §85.22, and hereby give notice of their lien in the above-captioned action. In support of this notice, Century Asphalt Co. and American Family Insurance state as follows:

1. Century Asphalt Co. was the employer of John Maxwell on May 25, 2016 – the date he was injured in a car accident by a third party while in the course and scope of his employment with Century Asphalt Co. John Maxwell suffered injuries from this accident including, but not limited to: multiple fractures, a labral tear, and Bell's palsy. He underwent multiple surgeries to repair those injuries. On July 13, 2016, during the course of his treatment stemming from this May 25, 2016 work accident, John Maxwell had a Bard IVC Filter placed in his body to control recurrent issues with deep vein thrombosis. Thereafter, on February 3, 2017; February 14, 2017; April 25, 2017; and June 14, 2017, John Maxwell underwent four surgeries to have portions of the Bard IVC Filter removed from his body, which Filter had broken into pieces and lodged in various parts of John Maxwell's body, including inside his heart.

2. John Maxwell filed a workers' compensation claim against Century Asphalt Co. and American Family Insurance in the Iowa Workers' Compensation Court on January 6, 2017. Jurisdiction of the Iowa Workers' Compensation Court was stipulated to by all parties to that case: Plaintiff John Maxwell, and Defendants Century Asphalt Co. and American Family Insurance. Under Iowa Code Chapter 85, Century Asphalt Co. and American Family Insurance have paid \$276,943.93 in ongoing workers' compensation benefits to or on behalf of John Maxwell, including \$20,423.14 in indemnity and \$206,671.69 in medical expenses, as of October 12, 2018. \$227,094.83 of the total \$276,943.93 in workers' compensation benefits paid to or on behalf of John Maxwell was paid to or on his behalf after the Bard IVC Filter was initially placed in John Maxwell's body on July 13, 2016. Century Asphalt Co. and American Family Insurance continue to pay John Maxwell workers' compensation benefits for medical expenses in relation to the May 25, 2016 accident.
3. Under Iowa Code §85.22(1), the employer and its insurer shall be indemnified out of the recovery of damages in a third-party action by the injured employee and shall have a lien on the claim for such recovery and the judgment thereon.

WHEREFORE, for the foregoing reasons, Century Asphalt Co. and American Family Insurance respectfully request the Court enter judgment or approve any settlement of this matter consistent with Iowa Code §85.22, and for such other and further relief as the Court may deem just and necessary.

CENTURY ASPHALT CO. and
AMERICAN FAMILY INSURANCE

By: /s/ Kathryn L. Hartnett
Kathryn L. Hartnett, #AT0010597
Admitted *Pro Hac Vice*, United States
District Court, District of Arizona
Order No.: 09-08, August 13, 2018
For: Prentiss Grant LLC
13305 Birch Drive, Ste. 101
Omaha, NE 68164
(402) 391-4600
(402) 391-6221 (FAX)
khartnett@prentissgrant.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing, and a true copy of the foregoing instrument was also served upon the attorney of record for Plaintiff John Maxwell to the above-entitled cause by serving the same by First Class Mail, on the 16th day of October 2018, postage prepaid to:

Michael Brandon Smith
Childers Schlueter & Smith LLC
1932 N Druid Hills Rd.
Atlanta, GA 30319

/s/ Kathryn L. Hartnett